

District 1
Certcode 0217-0

**CERTIFICATE OF HIGHWAY MILEAGE
YEAR ENDING FEBRUARY 10, 2018**

Fill out form, make and file copy with the Town Clerk, and mail ORIGINAL, before February 20, 2018 to:
Vermont Agency of Transportation, Division of Policy, Planning and Intermodal Development, Mapping Section
One National Life Drive, Montpelier, VT 05633.

We, the members of the legislative body of WOODFORD in BENNINGTON County
on an oath state that the mileage of highways, according to Vermont Statutes Annotated, Title 19, Section 305,
added 1985, is as follows:

PART I - CHANGES TOTALS - Please fill in and calculate totals.

Town Highways	Previous Mileage	Added Mileage	Subtracted Mileage	Total	Scenic Highways
Class 1	0.000				0.000
Class 2	0.000				0.000
Class 3	2.50			2.5	0.000
State Highway	9.575			9.575	0.000
Total	12.075			12.075	0.000
* Class 1 Lane	0.000				
* Class 4	6.95				0.000
* Legal Trail	0.75				

* Mileage for Class 1 Lane, Class 4, and Legal Trail classifications are NOT included in total.

PART II - INFORMATION AND DESCRIPTION OF CHANGES SHOWN ABOVE.

1. NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".

2. DISCONTINUED: Please attach SIGNED copy of proceedings (minutes of meeting).

3. RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings (minutes of meeting).

Dunville Rd / City Stream Rd / Little Pond Rd / Writers Hill Rd /
Bickford Rd / Glostenbury Rd / Pine Valley Rd

Note: Unable to give GIS map due to delay of parcel mapping. All supporting documentation is on file at AOT from previous years

4. SCENIC HIGHWAYS: Please attach a copy of order designating/discontinuing Scenic Highways.

IF THERE ARE NO CHANGES IN MILEAGE: Check box and sign below. []

PART III - SIGNATURES - PLEASE SIGN.

Selectmen/ Aldermen/ Trustees Signatures:

[Handwritten signatures]

T/C/V Clerk Signature: *[Handwritten signature]*

Date Filed: 1/29/18

Please sign ORIGINAL and return it for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED:

[Handwritten signature]

DATE:

2/1/2018

Representative, Agency of Transportation

* Approved with No Mileage Changes

Vermont Statutes Annotated

19 V.S.A. § 305. Measurement and inspection

Received

FEB 02 2018

Policy, Planning & Intermodal
Development Division

§ 305. Measurement and inspection

(a) After reasonable notice to the selectboard, a representative of the agency may measure and inspect the class 1, 2, and 3 town highways in each town to verify the accuracy of the records on file with the agency. Upon request, the selectboard or their designee shall be permitted to accompany the representative of the agency during the measurement and inspection. The agency shall notify the town when any highway, or portion of a highway, does not meet the standards for its assigned class. If the town fails, within one year, to restore the highway or portion of the highway to the accepted standard, or to reclassify, or to discontinue, or develop an acceptable schedule for restoring to the accepted standards, the agency for purposes of apportionment under section 306 of this title shall deduct the affected mileage from that assigned to the town for the particular class of the road in question.

(b) Annually, on or before February 10, the selectboard shall file with the town clerk a sworn statement of the description and measurements of all class 1, 2, 3, and 4 town highways and trails then in existence, including any special designation such as a throughway or scenic highway. When class 1, 2, 3, or 4 town highways, trails, or unidentified corridors are accepted, discontinued, or reclassified, a copy of the proceedings shall be filed in the town clerk's office and a copy shall be forwarded to the agency.

(c) All class 1, 2, 3, and 4 town highways and trails shall appear on the town highway maps by July 1, 2015.

(d) At least 45 days prior to first including a town highway or trail that is not clearly observable by physical evidence of its use as a highway or trail and that is legally established prior to February 10, 2006 in the sworn statement required under subsection (b) of this section, the legislative body of the municipality shall provide written notice and an opportunity to be heard at a duly warned meeting of the legislative body to persons owning lands through which a highway or trail passes or abuts.

(e) The agency shall not accept any change in mileage until the records required to be filed in the town clerk's office by this section are received by the agency. A request by a municipality to the agency for a change in mileage shall include a description of the affected highway or trail, a copy of any surveys of the affected highway or trail, minutes of meetings at which the legislative body took action with respect to the changes, and a current town highway map with the requested deletions and additions sketched on it. A survey shall not be required for class 4 town highways that are legally established prior to February 10, 2006. All records filed with the agency are subject to verification in accordance with subsection (a) of this section.

(f) The selectboard of any town who are aggrieved by a finding of the agency concerning the measurement, description, or classification of a town highway may appeal to the transportation board by filing a notice of appeal with the executive secretary of the transportation board.

(g) The agency shall provide each town with a map of all of the highways in that town together with the mileage of each class 1, 2, 3, and 4 highway, as well as each trail, and such other information as the agency deems appropriate.

Excerpt of 19 V.S.A. § 305 - *Measurement and inspection* from Vermont Statutes Online located at – <https://legislature.vermont.gov/statutes/section/19/003/00305>



State of Vermont
Policy, Planning & Intermodal Development Division
Mapping Section
One National Life Drive
Montpelier, VT 05633-5001
<http://vtrans.vermont.gov>

Agency of Transportation

Telephone: 802-828-2600
Fax: 802-828-2334
Email: johnathan.croft@vermont.gov

November 16, 2018

Ryan Thurber, Selectboard Chair
Woodford, c/o Town Clerk
1391 VT Route 9
Woodford, VT 05201-9410

Dear Mr. Thurber,

The VTrans Mapping Section has signed the 2018 Certificate of Highway Mileage for the Town of Woodford, approving only the existing mileage and not accepting the addition of any legal trails at this time. We know the Town wants to include in the legal trail mileage the following roads:

Dunville Road
City Stream Road
Little Pond Road
Waters Hill Road
Bickford Road
Glastenbury Road
Pine Valley Road

Unfortunately, we are unable to accept these roads as legal trails at this time, and request any documentation showing their legal establishment. The documentation provided previously by the Town of Woodford does not provide the clarity needed to show legal establishment for each of these roads, either through the statutory process or "dedication or acceptance".

Based on my understanding of the current statutes regarding highways, any road that has been legally established, never discontinued, and is clearly observable by physical evidence of a highway or trail, will persist and wasn't subject to the statutory discontinuance defined by Act 178 of 2006. Essentially, if a highway has been laid out, never discontinued and is clearly visible on the ground, then it continues to be a highway. The key is that there was legal establishment of the highway through the statutory laying out process or through "dedication and acceptance", and there is some level of documentation. This is what we are seeking from the Town of Woodford for each of the above roads, documentation that each was laid out and not discontinued.

Previous year's Mileage Certificates include a listing of the above roads and a total of 12.20 miles of legal trail to be added. I am hopeful that through the efforts of the current parcel mapping vendor and work by the Town, documentation for the above roads showing legal establishment can be provided and additions made to the Mileage Certificate and Town Highway Map on the next Mileage Certificate.

I will be glad to meet to discuss what type of information we are seeking and answer any questions on the addition of highways and trails to the Mileage Certificate and Town Highway Map. There is also potential for technical assistance through the Regional Planning Commission to aid in this process.

Please feel free to contact me with any questions or comments related to this letter, or mapping in general.

Sincerely,



Johnathan Croft
VTrans Mapping Section

JFC/jfc

Enclosures

cc: Amy Bell, VTrans Planning Coordinator
Sommer Bucossi, VTrans Planning Coordinator
Jim Henderson, Bennington County Regional Commission

WOODFORD 2011 MILEAGE CERTIFICATE REVIEW
Initial Review Comments by S. Moulton
22 March 2011

Dunville Rd

Supporting Documentation

The most compelling documentation supporting the claim that this is a town highway/trail right-of-way is the vote that was taken on November 15, 1848 in which it was "Voted to not Discontinue Dunville Road."

Also, in a letter from Neil Hoag, Chairman of the Woodford Board of Selectmen to Gina Owens, District Ranger for the USDA Forest Service dated August 24, 2006, he states that "Three years ago the Town had spent monies to repair parts of the road."

Non-Supporting Documentation

In contrast is the "Summary of Abstract of Legal Status of the Title for the Old Bennington-Heartwellville Turnpike, so-called, and the Dunville Hollow Road, so-called, Both Roads in the Town of Woodford, Bennington County, Vermont" dated August 17, 1973. This summary states that

"No record was found in the Town of Woodford indicating that such procedure [Title 19 V.S.A., Sections 341-345] was followed with reference to either the above recited Turnpike or the Dunville Hollow Road."

Also, in a letter dated March 14, 2007 apparently from David Gurtman, attorney for Charles and Marianne Suss, he states that

"The private property interest of my clients, as well as the historical use of Dunville Hollow Road, precludes any characterization of it as a Town road or trail under the common law of the State or by statute.¹ It is, therefore, the Town's burden to demonstrate the existence of a public right-of-way by affirmative grant from either my clients or their predecessor-in-interest. If the Town is able to demonstrate such a grant, then it will then be its burden to demonstrate that the Dunville Hollow Road was properly created at the time of that grant."

Redundant and Difficult to Read Documentation

The documentation included with the Mileage Certificate included much redundant material. It also included about 47 pages of copies from the handwritten records of the town. These copies were difficult to read and no typed transcription was provided. No annotation was included with the copies to indicate what their significance was.

Bickford Hollow Road

In the Board of Selectmen meeting of March 17, 1993 it was recorded that

"It was decided that Cheryl should write a letter to Mr. Carasone stating that Bickford Hollow Road is not a town road, and that an independent contractor would need to be hired by him if he wanted the road plowed beyond his driveway."

A portion of a handwritten record from the town records (Book 17 ? page ?) was included, but it was incomplete because the edges of it were cropped off, and no transcription was provided. The record did make statements regarding "the west bank of Bickford Hollow ____ [cropped off]" and "Bickford Hollow stream", but it was unclear what the record was in reference to.

Waters Hill Road

It was not obvious that the documentation supported that this is a town highway/trail right-of-way.

Some of the documentation included about 52 pages of copies from the handwritten records of the town. No annotation was included with the copies to indicate what their significance was. Some of the copies were difficult to read and no typed transcription was provided. It was not clear if this documentation included the original laying out of the right-of-way, or where the description was in documentation.

I'm not sure if a portion of the VT-9 discontinuance might be relevant.

Hager Hill Road

It was not obvious that any of the documentation supported the town's claim that this is a town right-of-way.

Some of the documentation included 19 pages of copies of original handwritten notes apparently taken during town [?] meetings regarding this right-of-way [?]. They are not the official minutes for the meetings.

Some of the documentation included about 10 pages of copies from the handwritten records of the town. No annotation was included with the copies to indicate what their significance was. The copies were barely legible and no typed transcription was provided. It was not clear if this documentation included the original laying out of the right-of-way, or where the description was in documentation.

Bolles Brook Road

The documentation for this did not seem to be included with the mileage certificate.